

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

六六六

BRANCH BANKING AND TRUST  
COMPANY, a North Carolina banking  
corporation,

**Plaintiff.**

1

SMOKE RANCH DEVELOPMENT, LLC, a Nevada limited liability company, YOEL INY, an individual; NOAM SCHWARTZ, nan individual; YOEL INY, Trustee of the Y & T INY FAMILY TRUST dated June 8, 1994, as amended; NOAM SCWARTZ, Trustee of the NOAM SCHWARTZ TRUST dated August 19, 1999; D.M.S.I., LLC, a Nevada limited liability company; and DOES 1 through 10, inclusive.

**Defendants.**

Case No. 2:11-cv-01778-APG-VCF

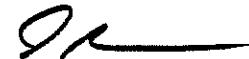
Case No. 2:12-cv-00453-APG-NJK

**ORDER REQUIRING DEFENDANT  
TRUSTEES TO PRODUCE THE  
NAMES AND ADDRESSES OF THE  
TRUST BENEFICIARIES TO RECEIVE  
NOTICE UNDER NRS § 162.120**

Currently before me are two motions for summary judgment (Dkt. #63 in case no. 2:11-cv-01778, and Dkt. #80 in case no. 12-cv-00453) that may turn, in part, on whether plaintiff Branch Banking & Trust (BB&T) notified each of the trust defendants' beneficiaries about the existence and nature of the respective actions. NRS § 163.120(2) requires that a plaintiff give that notice within 30 days after the filing of lawsuit, or within 30 days after the filing of an early case conference report, whichever is longer. A plaintiff may demand a list of those beneficiaries, and the trustee must comply with that demand within 10 days. Contrary to the trust defendants' argument, the statute does not place a time limit on when the plaintiff can demand that list. BB&T made that demand in both cases, and the trust defendants have not yet complied.

1           Accordingly, I hereby order the trust defendants to comply with NRS § 163.120(2) by  
2 furnishing the plaintiff lists of each of the trusts' beneficiaries to be so notified, and their  
3 addresses. The lists shall be furnished within 10 days after the entry of this order.

4  
5           DATED this 3rd day of July, 2014.

6 

7           ANDREW P. GORDON  
8           UNITED STATES DISTRICT JUDGE

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28